



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Steven M. LLOYD et al

Serial No.: 09/500,460

Filed: February 9, 2000

Group Art Unit: 3653

Examiner: D. Schlak

For: SYSTEM FOR THE CONTAINED TRANSFER OF PARTICULATES

RESPONSE TO RESTRICTION REQUIREMENT

The Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Sir:

The Examiner has made a restriction requirement between the following inventions for prosecution on the merits:

- Group I - claim 1;
- Group II - claims 2-4, 9-10 and 22;
- Group III - claim 5;
- Group IV - claims 6-8 and 23;
- Group V - claims 11-16;
- Group VII - Claims 17-20; and
- Group VIII - Claim 21.

In response, Applicants hereby provisionally elect the Group V, i.e., claims 11-16, invention.

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This election is made with traverse since it appears that a search of the subject matter of the elected invention would, of necessity, overlap the search area of the non-elected invention. Thus, adherence to the requirement would chiefly result in unnecessary work for the PTO in processing separate divisional application(s); unnecessary expense for the applicant in filing it and unnecessary inconvenience to the public in looking in two separate places for closely related subject matters.

It is noted that MPEP 803 states:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

In view of the foregoing, it is submitted that the Restriction Requirement should be withdrawn.

Respectfully submitted,



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TPP:mat
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Date: March 30, 2001

THE APPLICANT HEREWITH PETITIONS
THE PTO TO EXTEND THE TIME FOR
RESPONSE AS REQUIRED TO MAKE THE
ATTACHED DOCUMENT TIMELY FILED.
PLEASE CHARGE THE COST THEREOF
TO DEPOSIT ACCOUNT 19-4375

STEVEN DAVIS MILLER & MOSHER, L.L.P.